## REMARKS

Applicant respectfully requests reconsideration of the subject application.

### Claims 39-46

In the response filed on August 12, 2002 (to which the current Office Action is in response), Applicant added new claims 39-46. However, the current Office Action does consider such claims. Accordingly, Applicant respectfully requests a status on such claims.

### Rejections under 35 U.S.C. 102

Claims 1, 8, 16 and 27 were rejected under 35 USC 102(b) as being anticipated by Enns (U.S. 5,128,945). Applicant reserves the right to swear behind Enns at a later date. Applicant respectfully traverses the rejection.

With regard to claim 1 and 8, among the differences, claims 1 and 8 recite

> a packet engine unit coupled to the deframer unit, the packet engine unit to receive the payload, the overhead data and the frame alignment data and to generate a number of packet engine packets, wherein a payload of a packet engine packet stores one frame within the TDM signal such that the packet engine packets include the payload and the frame alignment data. (emphasis added).

With regard to claims 16 and 27, among the differences, claims 16 and 27 recite

> placing the TDM signal into packet engine packets based on the frame boundaries within the TDM signal, wherein the overhead data, the payload data and the frame alignment data are within packet engine packets, such that each packet engine packet corresponds to a frame within the TDM signal. (emphasis added).

The Office Action indicated that these limitations are disclosed by Enns in columns 5-6 and figure 7). See Office Action at ¶2. The system in Enns allows for "packet framing using cyclic redundancy checking (CRC)." (emphasis added). Enns at column 2, lines 6-8. Moreover, the packets that are framed are IPX packets. See Enns at column 3, lines 3-13. Like Internet Protocol (IP), Internet Protocol Exchange (IPX) is used for connectionless communications. The system in Enns allows for the receipt of the data from a trunk that uses a T1 signal (See Enns at column 4, lines 41-44), which is an example of a TDM signal, that includes the packets of data. However, the system in Enns does not disclose the generation of a packet based on a frame of a TDM signal. Rather, the system in Enns discloses the generation of packets that are based on the frames of the packets that are within the payload of the TDM signal (not packets based on the frames of the TDM signal). In other words, the system of Enns locates the packets along boundaries of the packets received within the TDM signal, independent of the framing of the TDM signal.

Moreover, Applicant respectfully submits that Enns does not disclose the placing of frame alignment data of a TDM signal into packets. In particular, Applicant respectfully submits that Enns does not disclose the placing of frame alignment data into a packet engine packet that includes one frame of the TDM signal, as set forth in such claims. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn and that these claims be allowed.

Rejections under 35 U.S.C. 103

Claims 2-7, 9-15, 17-26 and 28-38 were "rejected under 35 USC 103 as being unpatentable over Enns. Office Action at ¶5. Applicant respectfully traverses the rejection. Applicant has amended claims 21 and 33 to define the placing of the second TDM signal into packet engine packets. In addition to the remarks set forth above regarding claims 1, 8, 16 and 27, Applicant respectfully submits the following remarks.

With regard to claims 21 and 33, among the differences, claim 21 and 33 recite

placing the first TDM signal into first packet engine packets based on the frame boundaries within the first TDM signal, <u>wherein a payload of a packet engine packet stores one frame within the TDM signal</u> . . . [and] placing <u>the second TDM signal</u> into second packet engine packets, <u>independent of frame boundaries within the second TDM signal</u>. (emphasis added)

The Office Action indicated that these limitations are disclosed by Enns in columns 5-6 and figure 7). See Office Action at ¶5. The Office Action further indicated that "Enns does not teach a second TDM signal and packet engine." Office Action at ¶5. Additionally, the Office Action indicated that "it would have been obvious to one of ordinary skill in this art to adapt this concept to Enns' system to accommodate different types of TDM signals." Office Action at ¶5.

With regard to the second TDM signal, Enns does not disclose or suggest storing the TDM signal into packets, independent of the frame boundaries of the packets within the TDM signal. In contrast, Enns teaches away from such a limitation. In particular, Enns teaches a framing algorithm for locating the frames of the packets (See Enns at column 3, lines 14-38). Under MPEP 2143, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." MPEP 2143. Applicant respectfully submits that modifying the system in Enns to not locate the frames of the incoming packets would preclude the system from finding the packets based on the CRC framing algorithm described therein. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn and that these claims be passed to allowance.
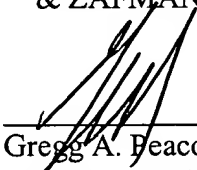
With regard to claims 2-7, 9-15, 17-20, 22-26, 28-32 and 35-35, because such claims depend from and further define claims 1, 8, 16, 21, 27 and 33, Applicant respectfully requests that the rejection of such claims be withdrawn and that these claims be allowed.

Please charge any additional fees due, if any, to Deposit Account 02-2666.

Respectfully submitted,

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# <u>VERSION WITH MARKINGS TO SHOW CHANGES MADE</u>

<u>IN THE SPECIFICATION</u>:

Paragraph 1 on page 2 has been amended as follows:

**[0001]** This is a continuation of U.S. Provisional Patent Application Serial Number <u>09/837,448</u> entitled "Alignment of TDM-based signals for Packet Transmission using Framed and Unframed Operations" filed March 31, 2001.